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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,370	08/16/2001	Stephen M. Dawson	16409/93578-00	3595

7590 12/23/2003

Warner J. Delaune, Jr.  
Adams and Reese L.L.P.  
451 Florida Street, Bank One Centre  
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Baton Rouge, LA 70801

EXAMINER
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HO, THOMAS Y

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Interview Summary

Application No.

09/931,370

Applicant(s)

DAWSON ET AL.

Examiner

Thomas Y Ho

Art Unit

3677

All participants (applicant, applicant's representative, PTO personnel):

(1) Thomas Y Ho.

(3) \_\_\_\_\_.

(2) Warner J. Delaune.

(4) \_\_\_\_\_.

Date of Interview: 17 December 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1, 2 and 9.

Identification of prior art discussed: Dawson 447, Federovich 022.


Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

#### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

##### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

##### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The amended claims (shown in a proposed amendment attached to this interview summary) read over the current art rejection. Further search and/or consideration will be required to determine if the amended claims are in condition for allowance.

**Warner J. Delaune***Registered Patent Attorney*

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**ADAMS AND REESE LLP****To: Examiner Thomas Ho  
Art Unit 3677, USPTO****Pages: 6  
(Incl. Cover)****Re: Draft claim amendments****451 Florida Street, 19th Floor  
Bank One Centre, North Tower  
Baton Rouge, Louisiana 70801****Toll Free: (800) 725-1990  
Telephone: (225) 336-5200  
Telecopier: (225) 336-5220**

## Facsimile Transmittal

Friday, December 12, 2003

### Comments:

Please see attached draft claim amendments.

#### TRANSMISSION PROBLEMS

If you do not receive the number of accompanying pages indicated or experience any other transmission problem, please contact **Linda Minutola** at (225) 336-5200.

#### CONFIDENTIALITY NOTICE

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File Number**9083-1**

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	§	Group Art Unit:	3677
<b>DAWSON, Stephen M., et al.</b>	§		
	§	Examiner:	<b>HO, Thomas Y.</b>
Filed: <b>August 16, 2001</b>	§		
	§		
Serial No.: <b>09/931,370</b>	§		
	§		
For: <b>An Improved Magnetic Seal</b>	§	Attorney File No.:	<b>16409/93578-00</b>

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DRAFT CLAIM AMENDMENTS  
(ONLY FOR CONSIDERATION DURING TELEPHONE INTERVIEW)**

Sir:

In response to the final Office Action mailed on October 24, 2003, the applicant submits the following draft claim amendments for consideration during an follow-up telephone interview to be scheduled in due course.

Note that draft amendments are only provided for the independent claims in the application, namely claims 1, 2, and 9. These proposed amendments all include the limitation that requires that any "predetermined distance" or "predetermined range of separation" within the mechanical coupling of the stator and rotor results in a magnetic re-engagement force of no less than 40% of the magnetic attractive force that exists between the stator and rotor when the contact faces are engaged. Based upon the structure seen in the prior art, namely Dawson '447 and Federovich '022, neither of these references contemplate urging the rotor toward the stator with a mechanical coupling so that the contact faces are re-engaged. The requirement of having a minimum magnetic re-engagement force is because if the rotor and stator become separated by too great a distance, the magnets will not be able to overcome this distance and achieve re-

engagement. Therefore, the mechanical coupling between stator and rotor must be such that no less than a 40% strength of attraction remains. Support for these draft amendments resides in the original specification at page 9, lines 3-19.

**DRAFT CLAIM AMENDMENTS****Claim 1 (currently amended):**

A device for sealing a rotatable shaft and a fixed housing, said device comprising an annular stator and an annular rotor, said stator having a seal means for forming a seal with said housing, said rotor having a seal means for forming a seal with said shaft, said rotor and said stator each having contact faces, said device having a means for mechanically coupling said rotor to said stator and for permitting said rotor to move axially independently of said stator within a predetermined range of separation between said rotor and said stator within said mechanical coupling, and at least one magnet urging said rotor contact face to re-engage said stator contact face during said separation; and wherein said predetermined range of separation results in a magnetic re-engagement force no less than forty percent (40%) of the magnetic attractive force existing between said rotor and said stator when said faces are engaged.

**Claim 2 (currently amended):**

A device for sealing a rotatable shaft and a fixed housing, said device comprising an annular stator and an annular rotor, said stator having a seal means for forming a seal with said housing, said rotor having a seal means for forming a seal with said shaft, said rotor and said stator each having contact faces, said device having a means for mechanically coupling said stator and said rotor and for permitting said rotor to axially slide along said shaft within said mechanical coupling, and at least one magnet urging said rotor contact face to re-engage said stator contact face during said axial sliding of said rotor; and wherein said magnetic re-engagement force is no less than forty percent



(40%) of the magnetic attractive force existing between said rotor and said stator when said faces are engaged.

Claim 9 (currently amended):

A device for sealing a rotatable shaft and a fixed housing, said device comprising an annular stator and an annular rotor, said stator having a seal means for forming a seal with said housing, said rotor having a seal means for forming a seal with said shaft, said rotor and said stator each having contact faces, said device having an annular groove positioned on one of said stator or said rotor, and a flange positioned on the other of said stator or said rotor, wherein said annular groove and said flange are engaged with one another to mechanically couple said rotor to said stator, and wherein said engagement establishes a predetermined distance within which said rotor may move axially independently of said stator, and at least one magnet urging said rotor contact face to re-engage said stator contact face during movement of said rotor; and wherein said predetermined distance results in a magnetic re-engagement force no less than forty percent (40%) of the magnetic attractive force existing between said rotor and said stator when said faces are engaged.

Based on the presentation of the foregoing draft claim amendments, the applicant hereby requests that a telephone interview be scheduled as soon as possible to discuss whether the amended claims are allowable.

CERTIFICATE OF MAILING
I hereby certify that this correspondence is being <i>faxed</i> deposited with the United States Postal Service as first class mail on the date indicated below and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450: <i>December 12, 2003</i> <i>Warner J. Delaune, Jr.</i> Warner J. Delaune, Jr.

Respectfully submitted:

**ADAMS AND REESE LLP**

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